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June 3, 2019

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VIA E-MAIL ONLY

Beryl Lipton, Reporter
MuckRock News
74015-31185748@requests.muckrock.com

Re: Public Records Act Request

Dear Mr. Lipton:

This is in response to your May 23, 2019, Public Records Act ("PRA") request directed to the Department of Children and Family Services ("DCFS") wherein you requested the following records (verbatim):

1. Materials related to any predictive or automated analysis software and algorithms used by this agency in the performance of its responsibilities. These materials should include, but not be limited to, those regarding the software and algorithm used in the Eckerd Rapid Safety Feedback Software.
2. Any software and algorithms developed for the implementation of the program. We are particularly interested in any algorithms that have a public policy outcome, such as providing guidance on a policy or an assessment of an individual.
3. Any software that was developed by or with, given to, used by, purchased or licensed to this agency for implementation of the above referenced program. This would include original source code, any compiled binaries (also known as executables), spreadsheets, program scripts, and other digital materials used to calculate any data in the above program. It would also include the input training data for machine learning algorithms. Collectively, these responsive materials will be referred to as "the software" in the following paragraphs.
4. Any description of input and output data fields that capture the type of information that is submitted to the software and that is produced by the software.

5. Any and all contracts (including related amendments and exhibits), non-disclosure agreements, liability waivers, insurance agreements, Requests for Proposals, responses to Requests for Proposal, Memorandums of Understanding, Letters of Interest, and informal agreements that reference "the software" or otherwise guide its use or the relationship between this agency and the provider or developer of the software.

6. All instructional materials, presentations and presentation materials (including recorded video and audio, PowerPoint files, prepared remarks, and slides formats), and other guidance on the use of "the software." This includes any notes taking (*sic*) during meetings that discussed the use of the software, any explanations (whether internally or externally generated) of how the software works, and any other document that has been used to help explain the use of "the software" to any party, including internal documentation, public relations materials, and executive summaries.

7. A copy of any privacy impact assessments, validation studies, reports to legislative bodies, annual reports that mention the use of the Software, as well as audit records (including but not limited to security audits of the software, misuse reports, and reports to oversight bodies), and other evaluations that reference "the software," otherwise pertain to its use, or were conducted with respect to the program or with respect to any software or provide any records pertaining to inquiries for the need of validation studies or discussion of validation studies (potential or actual). By "validation study," we mean any study designed to assess how accurate the program is in predicting what it is supposed to predict or any study designed to assess whether the program may err in the direction of either under- or overestimating likelihoods or predicted outcomes or may produce any results that are biased or unexpected in any way.

8. A copy of any usage policies, data retention policies, legal opinions, warranties, standard operating procedures, and other guiding materials that reference "the software" or otherwise pertain to its use.

9. A copy of any invoices, financial records, funding opportunity announcements, grant applications and grantor status/progress reports that reference "the software" or otherwise pertain to its use.

10. For the aspects of the software that require an input (for example, to compute a value), we request a copy of the five most recent sets of data that were used for input, as well as the five most recent outputs of the software, in whatever their native format is. If these inputs or outputs include exempt information, we ask that you exempt only that information which is specifically exempted from law and provide the other material.

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Please be advised that we are extending the time to respond by an additional fourteen (14) days pursuant to Government Code section 6253, subdivision (c) due to the existence of unusual circumstances arising from the broad scope of your request. The unusual circumstances include the need to search for and collect the requested records from field facilities; the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records; and potentially the need to compile data, write programming language, or to construct a computer report to extract data.

In providing you with this response, DCFS is not waiving any rights, defenses, claims of privilege, or claims of exception, or exemption of any record under the California PRA or any other statutes. Not having reviewed any records, we cannot specify all the applicable authority upon which records would be withheld or redactions would be required. The authority may include, but is not limited to the following: California Constitution, article I, section 1; matters protected by the attorney-client, official information and deliberative process privileges; or other matters otherwise protected from disclosure by law or where the particular facts and circumstances warrant nondisclosure of the information. (Government Code sections 6254(b), (c), (f), (k), and 6255(a)).

We will advise you on or before June 17, 2019, as to if and when we will be able to provide you with disclosable records, and any cost associated with providing those records.

Please contact me directly if you have any questions regarding this matter.

Very truly yours,

MARY C. WICKHAM
County Counsel

By



VERONICA PAWLOWSKI
Deputy County Counsel
Social Services Division

VP:rpb